

***Fitzpatrick***  
***36713-062104***



***ROANOKE CITY COUNCIL***  
***REGULAR SESSION***

***JUNE 21, 2004***  
***2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call. (All Council Members were present.)**

The Invocation was delivered by Mayor Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Wednesday, June 23, 2004, at 7:00 p.m., and Sunday, June 27, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

A Resolution paying tribute to the Honorable Ralph K. Smith, Mayor, City of Roanoke.

**Adopted Resolution No. 36713-062104 (6-0 – Mayor Smith abstained from voting.)  
File #80-132**

A Resolution paying tribute to the Honorable William D. Bestpitch, Council Member.

**Adopted Resolution No. 36714-062104  
(6-0 – Mr. Bestpitch abstained from voting.)  
File #80-132**

A Resolution paying tribute to the Honorable Linda F. Wyatt, Council Member.

**Adopted Resolution No. 36715-062104  
(6-0 – Ms. Wyatt abstained from voting.)  
File #80-132**

A Resolution paying tribute to Dr. E. Wayne Harris, Superintendent, Roanoke City Pubic Schools.

**Adopted Resolution No. 36716-062104 (7-0)  
File #80-467**

Presentation of Commemorative Tree Program Signs and Mementoes to Council Members Bestpitch and Cutler.

**File #80-240**

### **3. CONSENT AGENDA**

**Approved (7-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meeting of Council held on Monday, February 5, 2001; the regular meeting of Council held on Monday, April 19, 2004, recessed until Thursday, April 22, 2004 and recessed until Friday, April 30, 2004; and special meetings of Council held on Thursday, April 29, 2004.

**RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.**

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.  
Approved (7-0)  
File #132**

- C-3 A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss performance evaluations of Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.  
Approved (7-0)  
File #132**

- C-4 A communication from John Renick, Secretary, advising of the resignation of Joe Schupp as a member of the Roanoke Neighborhood Advocates.

**RECOMMENDED ACTION: Accept the resignation and  
receive and file the  
communication.**

**File #488**

### **REGULAR AGENDA**

#### **4. PUBLIC HEARINGS: NONE.**

## 5. PETITIONS AND COMMUNICATIONS:

- a. Presentation with regard to the history of urban renewal in the City of Roanoke. Dr. Mindy Thompson Fullilove, Spokesperson. (Sponsored by Mayor Smith and Council Member Bestpitch.)  
**File #200**

## 6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

### ITEMS RECOMMENDED FOR ACTION:

- 1. Approval of the Fiscal Year 2004–2005 Annual Operating Budget for The Hotel Roanoke Conference Center Commission.

**Adopted Budget Ordinance No. 36717–062104  
and Resolution No. 36718–062104. (7–0)  
File #60–247**

- 2. Acceptance of the 2004–2005 Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant; and appropriation and transfer of funds.

**Adopted Budget Ordinance No. 36719–062104  
and Resolution No. 36720–062104. (7–0)  
File #60–236**

- 3. Transfer of funds in connection with the re–installation of an overhead sign structure on Orange Avenue, N. W., between Williamson Road and I–581.

**Adopted Budget Ordinance No. 36721–062104.  
(7–0)  
File #60–107**

4. Execution of an agreement with the County of Roanoke for construction and improvements to the Regional Driver Training Facility.

**Adopted Budget Ordinance No. 36722-062104  
and Resolution No. 36723-062104. (7-0)  
File #5-60**

5. Transfer of funds in connection with recommendations by the Human Services Committee for certain qualified agencies for fiscal year 2004-2005.

**Adopted Budget Ordinance No. 36724-062104.  
(7-0)  
File #60-72**

6. Acceptance of a Law Enforcement Terrorism Prevention Program Grant from the Department of Criminal Justice Services, in the amount of \$224,856.00.

**Adopted Budget Ordinance No. 36725-062104  
and Resolution No. 36726-062104. (7-0)  
File #5-60-236**

7. Acceptance of an Urban and Community Forestry Grant from the Virginia Department of Forestry, in the amount of \$13,500.00.

**Adopted Budget Ordinance No. 36727-062104  
and Resolution No. 36728-062104. (7-0)  
File #60-236-240**

8. Amendment of the regional contract governing The Roanoke Valley Library Consortium.

**Adopted Ordinance No. 36729-062104. (7-0)  
File #323**

9. Appropriation and transfer of funds in connection with the Comprehensive Services Act Supplemental Allocation.

**Adopted Budget Ordinance No. 36730-062104.  
(7-0)  
File #60-72**

10. Execution of a Regional Hazardous Materials Response Team contract with the Virginia Department of Emergency Management for fiscal years July 2004 – June 2008; and appropriation of funds.

**Adopted Budget Ordinance No. 36731-062104  
and Resolution No. 36732-062104. (7-0)  
File #60-188**

11. Execution of separate agreements with Total Action Against Poverty, Inc., and the Virginia Department of Transportation, in connection with renovation of the historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development; and appropriation of funds.

**Adopted Budget Ordinance No. 36733-062104  
and Resolution No. 36734-062104. (7-0)  
File #60-77-226**

12. Transfer of funds in connection with the O. Winston Link Railwalk and Warehouse Business Center project

**Adopted Budget Ordinance No. 36735-062104.  
(7-0)  
File #60-392**

13. Transfer of funds between certain accounts and the use of excess budgeted personal services funds. Darlene L. Burcham, City Manager, and Jesse A. Hall, Director of Finance.

**Adopted Budget Ordinance No. 36736-062104.  
(7-0)  
File #60-385**

14. Appropriation of funds in connection with the Roanoke Grow America Fund.

**Adopted Budget Ordinance No. 36737-062104.  
(7-0)  
File #60-450**

15. Amendments to an agreement with Arena Ventures, L.L.C.

**Adopted Ordinance No. 36738-062104. (7-0)  
File #192**

**BRIEFINGS:**

- |  |   |            |
|--|---|------------|
| Civic Center Auditorium Seating Update | - | 15 Minutes |
| Dr. Martin Luther King, Jr. Bridge     | - | 15 Minutes |

**b. CITY ATTORNEY:**

1. Amendment of Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, to conform with changes necessitated by implementation of the Western Virginia Water Authority.

**Adopted Ordinance No. 36739-062104. (7-0)  
File #24-27-468**



2. Amendment of Chapter 35, Water, Code of the City of Roanoke (1979), as amended, to add appropriate references to the Western Virginia Water Authority and to repeal sections no longer applicable as a result of creation of the Authority.

**Adopted Ordinance No. 36740-062104. (7-0)  
File # 24-27-468**

3. Readoption and reenactment of the Code of the City of Roanoke (1979), as amended.

**Adopted Ordinance No. 36741-062104. (7-0)  
File #24**

c. DIRECTOR OF FINANCE:

1. Assumption of the City's Series 2003 Sewer Revenue Bond from the Virginia Resources Authority by the Western Virginia Water Authority.

**Adopted Resolution No. 36742-062104. (7-0)  
File #27-53-468**

2. Designation of the Western Virginia Water Authority as a Participating Employer in the City of Roanoke Pension Plan.

**Adopted Ordinance No. 36743-062104. (7-0)  
File #27-429-468**

3. Transfers of Internal Service Fund balances.

**Adopted Budget Ordinance No. 36744-062104.  
(7-0)  
File #60-355**

## **7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board to close-out 47 school grants. Richard L. Kelley, Assistant Superintendent for Operations, Spokesperson.

**Received and filed.  
File#236-467**

- b. Request of the Roanoke City School Board to appropriate \$30,000.00 for Crystal Spring Elementary School improvements, and \$324,480.00 for the School Bus Retrofit project; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent for Operations, Spokesperson.

**Adopted Budget Ordinance No. 36745-062104.  
(7-0)  
File #60-467**

## **8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS.**

- a. A Resolution changing the place of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Tuesday July 6, 2004.

**Adopted Resolution No. 36746-062104. (7-0)  
File #132**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Member Fitzpatrick commended Mayor Smith and Council Members Bestpitch and Wyatt for their role in creation of the Western Virginia Water Authority.**

**File #27-80-468**

**Council Member Cutler congratulated Sherman L. Stovall upon his appointment as Director of Management and Budget, effective June 11, 2004.**

**File #80-299**

**The Mayor advised that it has been a pleasure to serve the citizens of the City of Roanoke as Mayor for the past four years.**

**File #80-132**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke with regard to patriotism, the death of President Ronald Reagan, and the appropriateness of celebrating the Fourth of July at Victory Stadium.**

**File #122-367**

Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to housing, satisfactory wages for City employees, and diversity.

File #178-184

## **12. CITY MANAGER COMMENTS:**

The City Manager expressed appreciation to City employees who participated in the Relay for Life event which was sponsored by the American Cancer Society on Friday, June 18, 2004, at Victory Stadium, and advised that City employees raised over \$5,000.00.

She commended those City employees who participated in the Building New Partnerships Conference which was held at The Hotel Roanoke and Conference Center on Saturday, June 19, 2004, which included participation by over 30 City departments and organizations; workshops were offered on small loans, bonding and certification, and insurance, etc., and provided an opportunity for City departments to provide information on their role in City government.

The City Manager advised that the Governor of Virginia has recognized the City of Roanoke as one of five communities whose Enterprise Zone has been reauthorized for another 20 years.

File #45-80-184-266

The meeting was declared in recess and the Council reconvened in the Council's Conference Room for two briefings, which were followed by two closed sessions.

**CERTIFICATION OF CLOSED SESSION. (4-0) Mayor Smith and Council Members Dowe and Fitzpatrick were not in the Council Chamber when the vote was recorded.**

**Dennis R. Cronk was appointed as a member of the Board of Directors, Virginia Western Community College, to fill the unexpired term of Harriett S. Lewis, ending June 30, 2006.**

**File #110-467**

**Saduma H. Guhad was appointed as a member of the Youth Services Citizen Board for a term ending May 31, 2007.**

**File #110-304**

**THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***JUNE 21, 2004  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call.**

The Invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

**NOTICE:**

The Council meeting will be televised live by RVT Channel 3 to be replayed on Wednesday, June 23, 2004, at 7:00 p.m., and Sunday, June 27, 2004, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

**PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.**

## **A. PUBLIC HEARINGS:**

1. Request of Public Facility Consortium, LLC, that a portion of two tracts of land located at 2903 Peters Creek Road, N. W., containing 11.5 acres, more or less, identified as Official Tax Nos. 6410105 and 6410106, be rezoned from RS-3, Residential Single Family District, and C-2, General Commercial District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney.

**Adopted Ordinance No. 36747-062104. (6-0)**  
**(Council Member Dowe arrived late.)**  
**File #51**

2. Request of Mid-South Management, LLC, a Virginia limited liability company, that proffered conditions presently binding upon a tract of land located at the intersection of Orange Avenue and King Street, N. E., designated as Official Tax No. 7090511, as set forth in Ordinance No. 29147, adopted on June 20, 1988, be amended. Edward A. Natt, Attorney.

**Adopted Ordinance No. 36748-062104. (6-0)**  
**(Council Member Dowe arrived late.)**  
**File #51**

3. Proposed expansion of Downtown Roanoke Service District boundaries. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36749-062104. (7-0)**  
**File #277-380**

4. Amendment of the Vision 2001-2020 Comprehensive Plan to include the Franklin Road/Colonial Avenue Area Plan. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance No. 36750-062104. (7-0)**  
**File #200-424**

5. Request of the City of Roanoke to permanently vacate, discontinue and close a certain 32.5 square foot portion of a 15-foot alley located between 3<sup>rd</sup> and 4<sup>th</sup> Streets, S. W., adjacent to a parcel of land identified as Official Tax No. 1011306. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance No. 36751-062104. (7-0)  
File #514**

6. Proposed adjustment of the aggregate amount of the Fiscal Year 2004-2005 School Fund Budget, in connection with appropriation of an additional \$4,049,545.00 from the Commonwealth of Virginia. Richard L. Kelley, Assistant Superintendent for Operations, Spokesperson.

**Adopted Budget Ordinance No. 36752-062104.  
(7-0)  
File #60-467**

7. Proposed adoption of a resolution authorizing the City of Roanoke to contract a debt and to issue or reallocate the proceeds of general obligation public improvement bonds of the City, in the amount of \$22,350,000.00, for various capital improvement projects and capital equipment projects. Darlene L. Burcham, City Manager.

**Adopted Resolution No. 36753-062104 and Budget  
Ordinance Nos. 36754-062104 and 36755-062104.  
(7-0)  
File #53-60-217**



8. Amendments and revisions to Chapter 31, Subdivisions, and Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to achieve various purposes as the result of creation of the Western Virginia Water Authority. R. Brian Townsend, Agent, City Planning Commission.

**Adopted Ordinance Nos. 36756-062104 and  
36757-062104. (7-0)  
File #24-27-51-252-468**

9. Authorization of execution of an Operating Agreement among the City of Roanoke, the County of Roanoke, and the Western Virginia Water Authority, which authorizes the conveyance of certain parcels of land, both within and without the City, and the transfer of certain vehicles and other equipment, upon certain terms and conditions. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36758-062104. (7-0)  
File #27-166-468-472**

**Ordinance No. 36759-062104 was adopted  
establishing the compensation for the City Manager,  
City Attorney, Director of Finance, Municipal Auditor  
and City Clerk for the fiscal year beginning July 1,  
2004.  
File #184**

**B. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD.  
MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED  
IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E., inquired as to future plans by the City regarding the East Gate neighborhood, i.e.: sidewalks, curb and gutter, East Gate Park improvements, etc. He called attention to overgrown weeds at the foot of East Gate Avenue which could create a traffic hazard for motorists making a left turn. He expressed concern that City of Roanoke customers of the Western Virginia Water Authority will experience an increase in water rates while the rates of Roanoke County customers will not change; and questioned the advantage of monthly billing as opposed to the current three month billing cycle.**

**File #20-27-67-468**